IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

V 3:10-00260-3

AHMAD ABULNASIR AHMAD

ORDER
Given that paragraph 1 is relevant to the venture element of 18 USC §1591(a)(2) this motion is DENIED
[signature]
USDJ
2-13-12

MOTION TO REMOVE PARAGRAPH ONE FROM THE SECOND SUPERCEDING INDICTMENT AS SURPLUSAGE

Comes the defendant by and through counsel to move this Honorable Court to remove Paragraph One from the Second Superceding Indictment as surplusage, pursuant to Rule 7(d) of the Federal Rules of Criminal Procedure. The defendant specifically objects to reading paragraph one of the Second Superceding Indictment to the Jury as it contains allegations that are not charged in the indictment. Paragraph Two adequately states the charges against the defendants.

Paragraph One alleges that the defendants are members of two gangs, which is not a charge found in the Second Superceding Indictment, and is prejudicial to the defendants. The gang appellation will inflame the jury and is inappropriate unless and until a gang affiliation is proved by testimony.

Paragraph One, parts e and f contain the same information found in the paragraph two and allows the Government to have the defendants names listed twice in order from one to thirty, in addition to being listed in the remaining allegations in the indictment.

Wherefore Defendant Ahmad moves the Court to prevent paragraph one from being read to the Jury.